

JUDICIARY

DATE 3-23-07

[illegible]



SENATE STANDING COMMITTEE REPORT

March 23, 2007

Page 1 of 2

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 683** (third reading copy -- blue) be concurred in as amended.

Signed: 

Senator Jesse Laslovich, Chair

To be carried by Senator Lynda Moss

And, that such amendments read:

1. Title, line 8.

Strike: "SECTION"

Insert: "SECTIONS 50-9-106 AND"

2. Page 1, line 11.

Following: line 10

Insert: "Section 1. Section 50-9-106, MCA, is amended to read:

"50-9-106. **Consent by others to withholding or withdrawal of treatment.** (1) If a written consent to the withholding or withdrawal of the treatment, witnessed by two individuals, is given to the attending physician or attending advanced practice registered nurse, the attending physician or attending advanced practice registered nurse may withhold or withdraw life-sustaining treatment from an individual who:

(a) has been determined by the attending physician or attending advanced practice registered nurse to be in a terminal condition and no longer able to make decisions regarding administration of life-sustaining treatment; and

(b) has no effective declaration.

(2) The authority to consent or to withhold consent under subsection (1) may be exercised by the following individuals, in order of priority:


(a) the spouse of the individual;

(b) an adult child of the individual or, if there is more than one adult child, a majority of the adult children who are reasonably available for consultation;

(c) the parents of the individual;

Committee Vote:

Yes 12, No 0

Fiscal Note Required 

621413SC.ssc

(d) an adult sibling of the individual or, if there is more than one adult sibling, a majority of the adult siblings who are reasonably available for consultation; or

(e) the nearest other adult relative of the individual by blood or adoption who is reasonably available for consultation.

(3) A full guardian may consent or withhold consent under subsection (1) as provided in 72-5-321.

~~(3)~~(4) If a class entitled to decide whether to consent is not reasonably available for consultation and competent to decide or if it declines to decide, the next class is authorized to decide. However, an equal division in a class does not authorize the next class to decide.

~~(4)~~(5) A decision to grant or withhold consent must be made in good faith. A consent is not valid if it conflicts with the expressed intention of the individual.

~~(5)~~(6) A decision of the attending physician or attending advanced practice registered nurse acting in good faith that a consent is valid or invalid is conclusive.

~~(6)~~(7) Life-sustaining treatment cannot be withheld or withdrawn pursuant to this section from an individual known to the attending physician or attending advanced practice registered nurse to be pregnant so long as it is probable that the fetus will develop to the point of live birth with continued application of life-sustaining treatment.""

Renumber: subsequent section

- END -



SENATE STANDING COMMITTEE REPORT

March 23, 2007

Page 1 of 1

Mr. President:

We, your committee on **Judiciary** recommend that **House Bill 579** (third reading copy -- blue) be concurred in.

Signed:

Senator Jesse Laslovich, Chair

To be carried by Senator Jim Shockley

- END -

Committee Vote:

Yes 11, No 1

Fiscal Note Required

KF

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COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **HB 423**, by motion, on **Friday, March 23, 2007**.

Carol Andersen
(For the Committee)

KJ
(Secretary of the Senate)

 3-23
(Time) (Date)

March 23, 2007

Carol R. Andersen, Secretary

Phone: 444-4697

COMMITTEE FILE COPY

TABLED BILL

The **SENATE JUDICIARY COMMITTEE** TABLED **HB 455**, by motion, on **Friday, March 23, 2007**.

Carol Andersen
(For the Committee)

ST
(Secretary of the Senate)

 3-23
(Time) (Date)

March 23, 2007

Carol R. Andersen, Secretary

Phone: 444-4697

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator _____


to vote my proxy on any issue before the Senate _____

Committee

held on _____, 2007.

HB 455 yes to let
HB 423 yes to table

HB310 amended


SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator MOSS

to vote my proxy on any issue before the Senate _____

_____ Committee

held on 22 MARCH, 2007.

HB 456 yes to table

HB 423 yes to table

HB 683 amend
Yes

HB 310 amend

HB 579 yes

CUANZONRICH

SENATOR
STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator Moss

to vote my proxy on any issue before the Senate _____

Committee

held on _____, 2007.

HB 455 yes to table

HB 256

HB 423 yes to table

HB 683 amend

yes

HB 310 amend

yes

HB 579 yes

Coral Melius

SENATOR

STATE OF MONTANA

SENATE PROXY FORM

According to Senate Rule 30-70 (13) (f) , a committee member may vote by proxy using a standard form.

PROXY VOTE

I, the undersigned, hereby authorize Senator M. G. Lee

to vote my proxy on any issue before the Senate Judiciary

_____ Committee

held on 3/23/07, 2007.

HB 423 - Table - Aye
HB 455 - Table - Aye


SENATOR
STATE OF MONTANA

JUDICIARY

DATE 3-23-07

BILLS BEING HEARD TODAY HB-300, HB-423, HB-455
HB-641, HB-742

PLEASE PRINT

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PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY